

Rhonda L. Baldwin
Constance Baldwin
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U.S. DISTRICT COURT
EASTERN DISTRICT-WI
FILED

2013 OCT 29 A 8:33

CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

Case No.:

CONSTANCE N. BALDWIN
AND RHONDA L. BALDWIN

Plaintiff,

vs.

CITY OF MILWAUKEE, DEPARTMENT
OF NEIGHBORHOOD SERVICES, ART
DAHLBERG, in his Individual Capacity and
in his Official Capacity as DNS
Commissioner, SPENCER COGGS, in his
Individual Capacity and in his Official
Capacity as City Treasurer, KENNETH
GARBISCH, in his Individual Capacity and in
his Official Capacity as Building Inspector,
ALGARCIA, in his Individual Capacity and in
his Official Capacity as Building
Inspector JULIE BLOSMORE, in her
Individual Capacity and in her Official
Capacity as Building Inspector, ROES 1
through 20 and DOES 1 through 20, inclusive

Defendant

COMPLAINT FOR DAMAGES,
MALICIOUS PROSECUTION,
INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS, BIVENS
ACTION, DECLARATORY JUDGMENT,
AND INJUNCTIVE RELIEF, WITH JURY
DEMAND

COMPLAINT FOR DAMAGES, MALICIOUS PROSECUTION, INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS, BIVENS ACTION, DECLARATORY JUDGMENT , AND INJUNCTIVE
RELIEF, WITH JURY DEMAND - 1

1 **COMPLAINT FOR DAMAGES, MALICIOUS PROSECUTION INTENTIONAL**
2 **INFLECTION OF EMOTIONAL DISTRESS, DECLARATORY JUDGMENT AND**
3 **INJUNCTIVE RELIEF, WITH JURY DEMAND**
4

5
6 NOW COMES Plaintiff Constance Baldwin and Rhonda Baldwin who complains against
7 Defendants City of Milwaukee Department of Neighborhood Services, art Dahlberg, Spencer
8 Coggs, Kenneth Garbisch, AlGarciaand Julie Blosmore, as follows:
9

10 **INTRODUCTION**

- 11 1) Plaintiff Constance Baldwin owned a commercial building located at 3825 N.
12 Teutonia Avenue in the city of Milwaukee. The property was confiscated by default
13 judgment tax foreclosure in 2013. This property is assessed at a total \$36,400.
14
15 2) Plaintiff Rhonda Baldwin has an equity interest in the property Plaintiff Rhonda has
16 an agreement to purchase the business and property from Constance. Payments were
17 made towards the purchase. Plaintiff Rhonda Baldwin has made tax payments on the
18 property.
19
20 3) Plaintiff Constance Baldwin did not actually receive notice of the pending tax
21 foreclosure because the tax foreclosure notice was returned to the City of Milwaukee
22 by the Post Office as unclaimed. Plaintiff does not know why the notice was
23 unclaimed, plaintiff collects the mail at the property address.
24
25 4) Plaintiff Rhonda Baldwin did not actually receive notice of the pending tax
26 foreclosure because the tax foreclosure notice was returned to the City of Milwaukee
27
28

COMPLAINT FOR DAMAGES, MALICIOUS PROSECUTION, INTENTIONAL INFLECTION OF
EMOTIONAL DISTRESS, BIVENS ACTION, DECLARATORY JUDGMENT , AND INJUNCTIVE
RELIEF, WITH JURY DEMAND - 2

1 by the Post Office as unclaimed. Plaintiffs do not know why the notice was
2 unclaimed, plaintiffs collects the mail at the property address

- 3 5) The City of Milwaukee knew of other addresses for Plaintiffs and their phone
4 numbers where they could be reached by telephone. However, the City of Milwaukee
5 made no further efforts to attempt to deliver the notice to Plaintiffs, even though it
6 knew she did not receive it.
7
- 8 6) Plaintiff Rhonda Baldwin owns residential property located at 3275-77 N 21st Street
9 in the City of Milwaukee.
10
- 11 7) There are pending foreclosure proceedings for this residential property.
12
- 13 8) Plaintiffs have received numerous code enforcement violation orders by defendants
14 on both the residential and commercial property in retaliation.
15
- 16 9) Fines resulting from the code violations have been added to the tax bill for the
17 residential and commercial property increasing the amount of taxes owed.
18
- 19 10) The City of Milwaukee has denied Plaintiffs first Amendment rights, in violation of
20 of 42 U.S.C. § 1983.
21
- 22 11) Defendant Blossmore, Garbisch and Garcia acted in concert and agreed to act to deny
23 Plaintiffs civil rights in violation of 42 U.S.C. § 1985.
24
- 25 12) Defendants have maliciously prosecuted Plaintiffs in retaliation.
26
- 27 13) The City of Milwaukee has denied Plaintiffs due process, in violation of 42 U.S.C. §
28 1983. Plaintiffs are requesting that this Court enjoin Defendants from auctioning their
commercial property and order them to release their property to them.

COMPLAINT FOR DAMAGES, MALICIOUS PROSECUTION, INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS, BIVENS ACTION, DECLARATORY JUDGMENT , AND INJUNCTIVE

RELIEF, WITH JURY DEMAND - 3

1 14) Plaintiff Rhonda Baldwin is requesting that this Court enjoin Defendants from
2 proceeding with foreclosure action until this case conclusion.

3 15) Plaintiff is requesting actual damages from all of the Defendants and punitive
4 damages from the individual Defendants.
5

6 **JURISDICTION**

7 16) This Court has jurisdiction over this action pursuant to 28
8 U.S.C. §1331, 1343, 1367, 2201 and 2202.
9

10 17) The Court has jurisdiction over the Defendants because the unlawful acts alleged in
11 this complaint were committed in Milwaukee County, Wisconsin which lies within
12 the Eastern District of Wisconsin.

13 18) Venue is proper in this Court pursuant to 28 U.S.C. 1391 because a substantial part of
14 the acts or omissions giving rise to Plaintiffs' claims occurred in Milwaukee County,
15 Wisconsin which lies within the Eastern District of Wisconsin and because
16 Defendants conduct municipal business within the Eastern District of Wisconsin.
17

18 **PARTIES**

19 19) Plaintiff Constance Baldwin currently is a resident of Montgomery, Illinois. She
20 owned the commercial property at issue which is located in the City of Milwaukee.
21

22 20) Plaintiff Rhonda Baldwin currently is a resident of Milwaukee, WI she has an equity
23 interest in the commercial property at issue located in the City of Milwaukee, and
24 owns the residential property at issue which is located in the city of Milwaukee.
25

26 21) Defendants City of Milwaukee in their official capacity are duly constituted
27 governmental entity pursuant to the laws of Wisconsin and the United States. At all
28

COMPLAINT FOR DAMAGES, MALICIOUS PROSECUTION, INTENTIONAL INFLICTION OF
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RELIEF, WITH JURY DEMAND - 4

1 times relevant to this action, it has acted pursuant to its usual customs, practices, and
2 policies.

3 22) Defendant Spencer Coggs is the City Treasurer of the City of Milwaukee. He is
4 being sued in his individual and official capacities. At all times relevant to this
5 action, he has acted pursuant to the usual customs, practices, and policies of
6 Defendant City of Milwaukee.
7

8 23) Defendant Art Dahlberg, is the Commissioner of the Department of Neighborhood
9 Services (DNS) for the City of Milwaukee. He is being sued in his individual and
10 official capacities. At all times relevant to this action he has acted pursuant to the
11 usual customs, practices, and policies of Defendant City of Milwaukee.
12

13 24) Defendant Kenneth Garbisch, is a Building Inspector in Department of Neighborhood
14 Services for the City of Milwaukee. He is being sued in his individual and official
15 capacities. At all times relevant to this action he has acted pursuant to the usual
16 customs, practices, and policies of Defendant City of Milwaukee.
17

18 25) Defendant AlGarcia, is a Building Inspector in Department of Neighborhood Services
19 for the City of Milwaukee. He is being sued in his individual and official capacities.
20 At all times relevant to this action he has acted pursuant to the usual customs,
21 practices, and policies of Defendant City of Milwaukee.
22

23 26) Defendant Julie Blossmore, is a Building Inspector in the Department of
24 Neighborhood Services for the City of Milwaukee. She is being sued in her individual
25 and official capacities. At all times relevant to this action she has acted pursuant to
26 the usual customs, practices, and policies of Defendant City of Milwaukee.
27

28 COMPLAINT FOR DAMAGES, MALICIOUS PROSECUTION, INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS, BIVENS ACTION, DECLARATORY JUDGMENT , AND INJUNCTIVE

RELIEF, WITH JURY DEMAND - 5

FACTS

27) Plaintiff Rhonda has a daughter that was employed as a Building Inspector for Department of Neighborhood Services from 1996 through 2000.

28) Plaintiff Rhonda and her daughter share the same name.

29) In 1999 Plaintiff's Daughter Ronda Baldwin filed a complaint with the EEOC for sex discrimination.

30) After receiving notice of the EEOC complaint the former Commissioner Lee Jensen began to take retaliatory action against Ronda Baldwin.

31) Ronda Baldwin was followed on her route by various supervisors.

32) Defendant Julie Blosemore told newly hired inspectors not to associate with Ronda Baldwin because she was a trouble maker and targeted by the department.

33) The EEOC came back with a charge of discrimination and found the department had violated Ronda Baldwin's civil rights.

34) Commissioner Lee Jensen was asked to retire and the Residential Department head Jeff Krause was transferred to a supervising position of 9 administrative employee.

35) Ronda Baldwin resigned from her position in 2000.

36) In about 2003 Plaintiff Rhonda purchased a home owned by the City of Milwaukee located at 3275-77 N. 21st Street.

37) The home was purchased in Plaintiff's sister's name Rochelle Baldwin.

38) When a property changes ownership a certificate of Code Compliance is needed. In order to obtain a Certificate of Code Compliance you need to pay a fee and have the property inspected by a Code Compliance Inspector.

COMPLAINT FOR DAMAGES, MALICIOUS PROSECUTION, INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS, BIVENS ACTION, DECLARATORY JUDGMENT , AND INJUNCTIVE RELIEF, WITH JURY DEMAND - 6

1 39) Plaintiff Rhonda Baldwin and Rochelle Baldwin completed the necessary paperwork
2 and paid the fee for the Certificate of Code Compliance Inspection.

3 40) Plaintiff Rhonda Baldwin lives at the property and has equity ownership of the
4 property however Rochelle Baldwin has title. Due to this the property was not
5 "owner occupied" under Milwaukee Code.
6

7 41) An the Certificate of Code Compliance inspector came out to 3275 N. 21st street to
8 inspect, orders were issued to replace the missing storm windows and record the non-
9 owner occupied property with contact information of property manager or contact
10 information for owner.
11

12 42) Plaintiff Rhonda Baldwin complied with the order and replaced all missing and
13 defective storm windows.

14 43) Plaintiff Rhonda Baldwin and Rochelle Baldwin complied with the order and
15 recorded the property. Rhonda Baldwin was listed as an owner and contact person for
16 property.
17

18 44) The Code Compliance Inspector abated the order and issued the certificate of code
19 compliance and closed the file.
20

21 45) Shortly after the recording of the property Defendant Julie Blosmore called Plaintiff
22 Rhonda Baldwin. Defendant asked to speak with Ronda Baldwin Plaintiff replied
23 this is Rhonda. Defendant then replied this is not Ronda I know Ronda, you're lying ,
24 this is Ronda's property.
25

26
27
28 COMPLAINT FOR DAMAGES, MALICIOUS PROSECUTION, INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS, BIVENS ACTION, DECLARATORY JUDGMENT , AND INJUNCTIVE

RELIEF, WITH JURY DEMAND - 7

1 46) Defendant Julie Blosmore had gone out to the property at some time before calling
2 the Plaintiff and wrote up orders for repairs one being to paint the basement ceiling.
3 Plaintiff Rhonda believed the orders to be excessive and false.
4

5 47) Plaintiff Rhonda continued to have orders issued on the property.

6 48) Due to the constant orders being issued in about 2006 Rochelle Baldwin quit claimed
7 the property to Plaintiff Rhonda in order to remove her name from the property.
8

9 49) Plaintiff Rhonda has been to court on the violations and fined,

10 50) Each time an order is abated another one was issued.

11 51) The Plaintiff Rhonda's mortgage payment went from \$250 per month to \$700 due to
12 the fines assessed on the property from Department of Neighborhood services.

13 52) Plaintiff was served with a summons and complaint for back taxes on the property
14 3275-77 (Exhibit A)
15

16 53) Plaintiff Constance had been the owner of the commercial Property located at 3825
17 N. Teutonia Ave, City of Milwaukee since 1973.

18 54) In about 2000, Plaintiff Constance started to fall behind in her property taxes on the
19 property.
20

21 55) Plaintiff did continue to make payments on her back property taxes to avoid
22 foreclosure.

23 56) In late 2000 Plaintiff Constance entered into an agreement with Plaintiff Rhonda, her
24 daughter to purchase the building and take over the business.

25 57) Plaintiff Rhonda updated the recorded information with Department of Neighborhood
26 services naming her as the contact.
27

28 COMPLAINT FOR DAMAGES, MALICIOUS PROSECUTION, INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS, BIVENS ACTION, DECLARATORY JUDGMENT , AND INJUNCTIVE

RELIEF, WITH JURY DEMAND - 8

1 58) The Department of Neighborhood services issued orders on the commercial property.

2 59) Fines and penalties were assessed on the property drastically increasing the amount
3 owed.
4

5 60) Plaintiff Rhonda continued to make payments on the back taxes to avoid foreclosure.

6 61) Plaintiffs Rhonda and Constance had received notice from the City of Milwaukee in
7 the past that the property would be foreclosed if she did not redeem it by paying taxes
8 to avoid foreclosure, Plaintiffs always complied and paid to avoid foreclosure.

9 Notices were sent to Plaintiff's home address as well as the business address.
10

11 62) During the week of October 7, 2013, the owner of the business next door informed
12 Plaintiff Rhonda that the City owned her building. He said it was taken by the City
13 and he planned to buy it.
14

15 63) Plaintiff Rhonda called the treasurer's office to inquire about the status of her
16 property.
17

18 64) The treasurer's office told Plaintiff Rhonda that the Foreclosure Notice sent by
19 certified mail to 3825 N. Teutonia, Milwaukee 53206 was returned to their office by
20 the Post Office as unclaimed.

21 65) Plaintiff Rhonda was told that she needed to appeal to pay \$1,400 to file an appeal
22 with the City Council.

23 66) Plaintiff Constance or Rhonda never received any notice that the City of Milwaukee
24 had taken their property.

25 67) Plaintiffs intended the building to stay in the family.

26 68) Plaintiffs there are family heirlooms in the building.
27

28 COMPLAINT FOR DAMAGES, MALICIOUS PROSECUTION, INTENTIONAL INFLICTION OF
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1 69) Plaintiffs will be irrevocably harmed if the City of Milwaukee is allowed to sell their
2 property.

3 70) The Commercial building is assessed \$36,000, Plaintiffs owed \$2,600 in unpaid taxes
4 on the property (to avoid foreclosure).

5 71) Defendant has not provided Plaintiffs with adequate notice under the circumstances
6 of their opportunity to defend the foreclosure of their property.

7 72) Plaintiffs were targeted by the Department of Neighborhood service in retaliation due
8 to their relationship to Ronda Baldwin.

9 73) Without the assessed fines from the Department of Neighborhood services Plaintiffs
10 would have been able to keep up with their property taxes.

11 **FIRST CLAIM FOR RELIEF**

12 (Declaratory and Equitable Relief for Deprivation of Property Without
13 Due Process of Law in Violation of 42 U.S.C. § 1983)

14 74) Defendants are state actors.

15 75) Defendants are acting pursuant to the usual customs, practices, and policies of City of
16 Milwaukee in commencing tax foreclosures.

17 76) Defendants are depriving Plaintiffs of their property without due process of law by
18 failing to provide Plaintiffs with adequate notice of the foreclosure proceeding against
19 them. Defendants did not take additional steps to provide notice when the notice of
20 foreclosure was returned unclaimed. *Jones v. Flowers*, 547 U.S. 220

21 77) Defendants were aware Rhonda Baldwin maintained an interest in the property (see
22 Exhibit C)

23 COMPLAINT FOR DAMAGES, MALICIOUS PROSECUTION, INTENTIONAL INFLECTION OF
24 EMOTIONAL DISTRESS, BIVENS ACTION, DECLARATORY JUDGMENT , AND INJUNCTIVE
25

26 RELIEF, WITH JURY DEMAND - 10

1 78) Defendant knew that Plaintiffs did not receive the notice of Tax Foreclosure. (See
2 Exhibit D)

3 79) There is no evidence that Plaintiffs refused delivery of the Notice.
4

5 80) Defendants made no further attempts to serve Plaintiffs with the Notice of Tax
6 Foreclosure after the Post Office returned the Original notice as unclaimed.

7 81) Plaintiffs continued to receive regular mail at the property, had Defendants followed
8 up by sending a copy regular mail Plaintiffs may have been in a better position of
9 receiving the foreclosure notice.
10

11 82) Defendant made no further attempts to serve Plaintiff with the Notice of Tax
12 Foreclosure after the Post Office returned the original notice as unclaimed.

13 83) The Department of Neighborhood services was aware of Plaintiffs home address.
14 Building code violation orders regarding Plaintiffs home were sent to 3825 N.
15 Teutonia.
16

17 84) Other addresses for Plaintiff Rhonda and her phone numbers were on the public
18 record. Several of the orders for both the Commercial property and Plaintiffs
19 residence were litigated in Milwaukee County circuit court. The City was aware of
20 Defendants home address.
21

22 85) The Courts were aware of Plaintiffs Attorney and his contact information. Defendants
23 had access to the Court information.

24 86) The Defendants made no attempt to communicate with Plaintiff at her known phone
25 numbers.
26

27
28 COMPLAINT FOR DAMAGES, MALICIOUS PROSECUTION, INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS, BIVENS ACTION, DECLARATORY JUDGMENT , AND INJUNCTIVE

RELIEF, WITH JURY DEMAND - 11

1 87) Department of Neighborhood services maintains a property file with all contact
2 information, litigation records for this property and all other property associated
3 plaintiff.
4

5 88) Plaintiff has never seen the Notices of Tax Foreclosure, Plaintiff Rhonda Baldwin
6 went to the city Treasurer's office to request a copy of the notice sent. Karry a
7 supervisor in the foreclosure department refused to give Plaintiff Rhonda a copy
8 unless she signed the certified mail receipt. Plaintiff felt that was improper, since she
9 was not a Post Office representative and did not sign.
10

11 89) The Defendant never served Plaintiffs with Notice of Entry of Default Judgment
12 against them.

13 90) This Court should declare, pursuant to 28 U.S.C §2201 and 2201, that Defendants
14 City of Milwaukee and Spencer Coggs have not provided Plaintiffs with adequate
15 notice of the foreclosure proceeding against her, in violation of the Fourteenth
16 Amendment and 42 U.S.C § 1983.
17

18 91) Defendants are liable to Plaintiffs for injunctive relief for their violations of 42 U.S.C.
19 § 1983 and the Fourteenth Amendment.
20

21 92) Defendants are liable to Plaintiffs for their reasonable costs and attorney's fees
22 pursuant to 42 U.S.C. § 1988.

23 **SECOND CLAIM FOR RELIEF**
24 (Damages for Violations of 42 U.S.C § 1983)

25 93) Defendant Spencer Coggs, in his official capacity as City Treasurer, was aware the
26 The City of Milwaukee did not give actual notice of the 2013 tax foreclosure action.
27

28 COMPLAINT FOR DAMAGES, MALICIOUS PROSECUTION, INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS, BIVENS ACTION, DECLARATORY JUDGMENT , AND INJUNCTIVE
RELIEF, WITH JURY DEMAND - 12

1 The City did not take additional, practicable steps to provide notice of
2 foreclosure action was returned unclaimed.

3 94) Defendants Spencer Coggs caused Plaintiffs property to be foreclosed.
4

5 95) All Defendants are liable to Plaintiffs for their actual damages, pursuant to 42 U.S.C.
6 § 1983.

7 96) Defendant are liable to Plaintiffs for punitive damages, pursuant to 42 U.S.C. § 1983.
8

9 97) Defendants are liable to Plaintiffs for their reasonable costs and attorney's fees,
10 pursuant to 42 U.S.C. § 1988.

11 **THIRD CLAIM FOR RELIEF**
(Conspiracy Violations of 42 U.S.C § 1985)

12 98) Upon information and belief Defendants DNS, Garbisch and Garcia knew of and
13 agreed to, or acquiesced in, Blossmore's actions in targeting Plaintiffs properties for
14 prosecution for the purpose of retaliating against Ronda Baldwin(junior) and failed to
15 remedy the wrongs being perpetrated by Blossmore.
16

17 99) More, upon information and belief, Defendant DNS created a policy or custom under
18 which Blossmore practices occurred and allowed the policy or custom to continue.
19

20 100) Defendants, DNS, Garbisch, Garcia and Blossmore acted in concert, engaged in
21 discreet overt acts, and agreed to act to deny Plaintiffs their due process rights.

22 101) Plaintiffs have been damaged as a direct and proximate result of Defendants' actions.
23

24 In particular they have incurred additional tax fees, loss of property in foreclosure,
25 taken time away from their business and suffered injuries but not limited to:
26 inconvenience, insult, mental distress, embarrassment, humiliation, anxiety, emotional
27

28 COMPLAINT FOR DAMAGES, MALICIOUS PROSECUTION, INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS, BIVENS ACTION, DECLARATORY JUDGMENT , AND INJUNCTIVE

RELIEF, WITH JURY DEMAND - 13

1 pain and suffering and all legal expenses necessary in defending the municipal Court
2 Charges.

3 102) Defendants actions were willful, wanton, reckless, and malicious, and further
4 show a complete and deliberate indifference to, and conscious disregard for, rights or
5 Plaintiffs. Therefore, Plaintiffs are entitled to an award of punitive or exemplary
6 damages in an amount sufficient to punish Defendants or to deter Defendants and
7 others similarly situated from like conduct in the future.
8

9 103) Plaintiff is entitled to recover from Defendants reasonable attorney fees, as Provided
10 by 42 U.S.C. § 1988.
11

12 WHEREFORE, Plaintiffs requests that this Court, after a trial by jury of their claims,
13 enter judgment against Defendants DNS, Garbisch, Garcia and Blosmore, jointly and
14 severally, for Plaintiffs' actual damages, nominal damages and exemplary or punitive
15 damages as are proven at trial, their reasonable attorney fees and costs incurred
16 herein, and for any such further legal and equitable relief as this Court deems
17 appropriate.
18

19 **FORTH CLAIM FOR RELIEF**
20 (Malicious Prosecution)

21 104) Defendants DNS, Blosmore ,Garbisch and Garcia instigated, promoted and
22 encouraged the order writing and prosecution of Plaintiffs all without probable cause
23 to do so, for the purpose of harassing and intimidating the Plaintiffs. Defendants, in so
24 doing, were motivated by bad faith and malice.

25 105) Plaintiffs have been damaged as a direct and proximate result of Defendants'
26 actions. In particular they have incurred additional tax fees, loss of property in
27

28 COMPLAINT FOR DAMAGES, MALICIOUS PROSECUTION, INTENTIONAL INFLECTION OF
EMOTIONAL DISTRESS, BIVENS ACTION, DECLARATORY JUDGMENT , AND INJUNCTIVE

RELIEF, WITH JURY DEMAND - 14

1 foreclosure, taken time away from their business and suffered injuries but not limited
2 to: inconvenience, insult, mental distress, embarrassment, humiliation, anxiety,
3 emotional pain and suffering and all legal expenses necessary in defending the
4 municipal Court Charges.
5

6 106) Defendants actions were willful, wanton, reckless, and malicious, and further
7 show a complete and deliberate indifference to, and conscious disregard for, rights or
8 Plaintiffs. Therefore, Plaintiffs are entitled to an award of punitive or exemplary
9 damages in an amount sufficient to punish Defendants or to deter Defendants and
10 others similarly situated from like conduct in the future.
11

12 WHEREFORE, Plaintiffs requests that this Court, after a trial by jury of their claims,
13 enter judgment against Defendants DNS, Garbisch, Garcia and Blosmore, jointly and
14 severally, for Plaintiffs' actual damages, nominal damages and exemplary or punitive
15 damages as are proven at trial, their reasonable attorney fees and costs incurred
16 herein, and for any such further legal and equitable relief as this Court deems
17 appropriate.
18
19

20 **FIFTH CLAIM FOR RELIEF**

21 (Intentional Infliction of Emotional Distress Blosmore, Garbisch and Garcia)
22

23 107) The actions of DefendantsBlosmore, Garbisch and Garcia in targeting the
24 Plaintiffs property were done in bad faith and with malice, and with the sole intent of
25 causing Plaintiffs extreme emotional distress and were under the circumstances,
26 extreme.
27

28 COMPLAINT FOR DAMAGES, MALICIOUS PROSECUTION, INTENTIONAL INFLECTION OF
EMOTIONAL DISTRESS, BIVENS ACTION, DECLARATORY JUDGMENT , AND INJUNCTIVE

RELIEF, WITH JURY DEMAND - 15

1 108) Plaintiffs have been damaged as a direct and proximate result of Defendants'
2 actions. In particular they have incurred additional tax fees, loss of property in
3 foreclosure, taken time away from their business and suffered injuries but not limited
4 to: inconvenience, insult, mental distress, embarrassment, humiliation, anxiety,
5 emotional pain and suffering and all legal expenses necessary in defending the
6 municipal Court Charges.

7
8 109) Defendants actions were willful, wanton, reckless, and malicious, and further
9 show a complete and deliberate indifference to, and conscious disregard for, rights or
10 Plaintiffs. Therefore, Plaintiffs are entitled to an award of punitive or exemplary
11 damages in an amount sufficient to punish Defendants or to deter Defendants and
12 others similarly situated from like conduct in the future.

13
14 WHEREFORE, Plaintiffs requests that this Court, after a trial by jury of their claims,
15 enter judgment against Defendants DNS, Garbisch, Garcia and Blosmore, jointly and
16 severally, for Plaintiffs' actual damages, nominal damages and exemplary or punitive
17 damages as are proven at trial, their reasonable attorney fees and costs incurred
18 herein, and for any such further legal and equitable relief as this Court deems
19 appropriate.
20

21
22 **JURY DEMAND**

23 Pursuant to FRCP 38, Plaintiffs demands a trial by jury for all issues so triable.

24 **PRAYER FOR RELIEF**

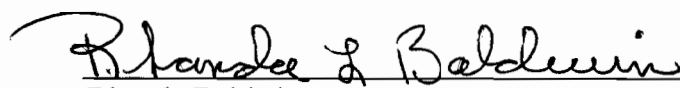
25 WHEREFORE, Plaintiffs Rhonda Baldwin and Constance Baldwin respectfully prays
26 that this Honorable Court:
27

28 COMPLAINT FOR DAMAGES, MALICIOUS PROSECUTION, INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS, BIVENS ACTION, DECLARATORY JUDGMENT , AND INJUNCTIVE

- 1 A) Declare that Defendants have violated the 14th Amendment and 42 U.S.C. § 1983
2 in foreclosing and attempting to sell Plaintiff's Property.
3
4 B) Enjoin Defendants from auctioning Plaintiffs property that was foreclosed upon.
5
6 C) Order Defendants to release the Teutonia Property to Plaintiff in return for
7 payment of unpaid taxes, interest and reasonable costs.
8
9 D) Order all Defendants to Pay Plaintiff her actual Damages in an amount to be
10 determined by the jury.
11
12 E) Order Defendants Blossmore, Garbisich and Garcia to pay Plaintiffs punitive
13 damages in an amount to be determined by the Jury
14
15 F) Order Defendants to pay Plaintiff pre and post judgment interest in an amount
16 authorized by law.
17
18 G) Order Defendants to pay Plaintiffs' reasonable costs and attorney's fees and
19
20 H) Order such further relief as is just equitable and necessary.
21
22 I) Order the City of Milwaukee to refund the purchase price and take back the North
23 21st property.
24
25
26
27
28

Dated this 28 of October, 2014


Constance Baldwin


Rhonda Baldwin

COMPLAINT FOR DAMAGES, MALICIOUS PROSECUTION, INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS, BIVENS ACTION, DECLARATORY JUDGMENT , AND INJUNCTIVE

RELIEF, WITH JURY DEMAND - 17



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